

IN THE SENATE OF THE UNITED STATES.

JANUARY 23, 1858.—Ordered to be printed.

Mr. DAVIS made the following

REPORT.

[To accompany Bill S. 102.]

*The Committee on Military Affairs and the Militia, to whom was referred the petition of Thomas Phoenix, jr., having had the same under consideration, report:*

The petitioner during the war with Mexico was employed by D. Randall, deputy paymaster general, as his clerk, and received his regular pay of \$500 per annum for a little more than two years. The disbursements of the deputy paymaster general at New Orleans were very heavy, and would have justified the employment of extra clerks. The expense of additional clerks, however, was saved to the government by the extraordinary efforts of the petitioner, under the assurances of the deputy paymaster that he should be allowed an increased compensation for these services, which increased compensation has been allowed to many other paymasters' clerks under the same circumstances.

The justice and equity of this claim are acknowledged by the Paymaster General and by the Secretary of War. The latter officer admits that if Colonel Randall had paid the increased compensation now claimed it would have been allowed by the department, as being in strict accordance with law.

This case was favorably reported upon a year ago in the House of Representatives, was not acted upon for want of time, but was, with all the other unfinished business of the House, referred to the Court of Claims. The Court decided the case to be beyond their jurisdiction, but that the petitioner *has a strong equitable claim upon the United States*. Colonel Randall says: "I believe the labors and services to the government of Mr. Phoenix were at least equal to any other paymaster's clerk, and I earnestly recommend that he be allowed the highest rate of pay that has been received by any paymaster clerk in the public service during the war with Mexico."

The committee, in view of all the circumstances of the case, recommend that the petitioner be paid, during the time he was in the employment of Colonel Randall as paymaster's clerk, the same compensation as was paid to other paymasters' clerks similarly situated, say \$3 per day, instead of \$500 per annum, and report a bill accordingly.

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